

TOWN OF MERRILLVILLE
TOWN COUNCIL MEETING
September 23, 2014

CALL TO ORDER: 6:40 P.M.

INVOCATION: Pastor Randy Scott - Pentecostals of Southlake

PLEDGE OF ALLEGIANCE

ROLL CALL: Mrs. Barron was absent, all other members were present.

PETITIONS, COMMUNICATIONS, REMONSTRATIONS:

Mrs. Miano read a letter from Curtis Minchuk, President of FOP #168 thanking the Town Council for the immense support given to the Merrillville Fraternal Order of Police during their darkest hours surrounding the loss of their brother, Officer Nickolaus Schultz. In honor of Officer Schultz, the FOP Lodge #168 would like to build a memorial monument. The Merrillville FOP Lodge #168, along with Catch 22, would like to hold a fundraiser at Catch 22 on Saturday, October 18th, 2014, between 4:00 p.m. and 12:00 a.m.. The event will be named Coptober Fest and will host live bands along with DJs. They anticipate a large gathering; therefore, they will also be utilizing outdoor tents. Catch 22, along with several other companies, will be donating all of the food, beverages, etc. All the proceeds generated by this event will be used to build a memorial monument and to send officers to the National Law Enforcement Officers Memorial in Washington, D.C. The FOP asks the Council assist them with the event by expediting the approval of all permits and waiving any and all town fees related to the event.

Mr. Minchuk described the FOP's ideas regarding the memorial and the benefits of the trip to Washington, D.C. He thanked Lake County Sheriff, John Buncich, for their support, including patrols in the town and security for the event. Jason Evans of Catch 22 was also present at the meeting and, along with Mr. Minchuk, relayed the overwhelming support they are receiving from the business community.

Mr. Pettit explained that his employer, Lamar Signs, allows "space available advertising", and with the Council's consensus, he along with Curtis and Jason, would like to use the space available advertising for this event. Council Chairwoman, Mrs. Miano gave the consent.

Mr. Hardaway made a motion to expedite the approval of all permits and to waive any and all town fees to hold a fund raiser for a memorial and send officers to the National Law Enforcement Officers Memorial in Washington, D.C. In addition, the Town will make a donation of \$1,000 to the fund raiser. Mr. Widing seconded the motion. The motion was approved by a roll call vote, 6/0.

Mrs. Miano and Ken Woodside of Town Court took food, donated by many restaurants in the town, to the family. Mrs. Miano also thanked Nick Batistatos, owner of The Patio Restaurant, for twice donating food for the family. Thanks, also, to Robert Overman from The Olive Garden and Linda VanKley from Baker's Square. Also, Mrs. Miano thanked Culvers who were represented in the audience by Mr. Terpstra and Mike Wondaal, who were asked to come forward. From their Merrillville, Crown Point and Highland restaurants, 10% of the proceeds from yesterday's intake will be donated to Mr. Shultz's family. The amount of the donation is approximately \$3,000. The Council thanks you for being the great business that you are, along with the other businesses mentioned earlier. Mr. Pettit announced, that, while we are discussing Officer Schultz, he wanted to bring to the Council's attention along with business owners that were thanked, he wants to thank Mike Anderson, from whom we've purchased town vehicles, who, on the day of the funeral, pre-empted all of his advertising on Lamar digital billboards throughout the region to run the memorial artwork that they put together. Nick was honored in Dyer, Schererville, Highland, wherever there was a Mike Anderson ad. Also, he'd like to see all the town vehicles display the decal designed in Officer Schultz's memory.

Mr. Hardaway announced that there will be a bench at the Veteran's Park dedicated to Nick.

CONSENT AGENDA:

Approval of the Accounts Payable Register Vouchers dated September 9, 2014 and September 23, 2014.

Approval of Town Council Meeting Minutes of August 26, 2014. Mr. Pettit made a motion to approve and was seconded by Mr. Widing. The motion was approved by a voice vote.

STANDING COMMITTEES:

BUDGET & FINANCE: Mr. Goralczyk – the first reading of the proposed 2015 budget, Ordinance 14-26, will take place today.

PUBLIC WORKS: Mr. Pettit asked Mr. Spires for an update on street paving and leaf collection. Mr. Spires said leaf collection equipment is ready and collection will start in the middle of October and continue through November. The newsletter should be out shortly. The leaf pick up schedule will be in the newsletter and we will issue press releases to put that information in the paper so people will know when we're coming.

Mr. Spires stated Walsh and Kelly is up north working. Everybody got hit pretty badly over the winter with the roads and Walsh and Kelly has been extremely busy. We've been very fortunate to have them in town almost every day and they sort of got into a snag falling behind on concrete work. There's going to be some milling and paving going on for the next week, and then in the middle of the week we'll start whatever roads we've got left. There's only a handful that we will be pulling out concrete and replacing.

Mr. Pettit asked Mr. Hardaway if the issue with 53rd Avenue is resolved. Mr. Hardaway replied that it has been, now it's passable, and thanked the council for their support in getting that done. Now when you drive east on 53rd Avenue you won't have to dodge potholes.

COUNCIL AFFAIRS: Mr. Spann - Habitat for Humanity is requesting a waiver of the building permit fee for the home construction at 5905 Roosevelt St. in Merrillville, Indiana. Mr. Hardaway informed the council that this home is being built for a disabled veteran who is a single parent with two sons. I think this is something very commendable. Mrs. Miano stated that she attended the groundbreaking for the construction and noted that this is the first home in the State of Indiana that is being constructed for a veteran and his two young children through Habitat for Humanity. The Town of Merrillville should be very proud. A motion was made by Mr. Hardaway to waive the building permit fee for the home. The motion was seconded by Mr. Spann. The motion passed by a roll call vote, 6/0.

Mr. Bushemi stated he was proud to inform the Council Members and those present at the meeting that the property that the home is being constructed on belonged to his mother who donated the property at the time of her passing for this particular purpose.

PERSONNEL POLICY & EMPLOYEE BENEFITS: Mr. Goralczyk had no report. Mr. Pettit told the Council he had some inquiries, a couple of them, in regard to the health insurance and death benefit. He'd like the committee to find out what it would cost to have the death benefit increased for the officers and all the employees.

PUBLIC SAFETY: Mr. Widing – no report

PARKS & RECREATION: Mr. Bushemi reported on the public auction of two Town owned park parcels that the Council had authorized. There was an auction, for the second time, for the parcel at 3694 W. 80th Lane, the Hendricks Park parcel. There was also an auction for the lot in Union Park, the lot which is the north lot, at the approximate address of 7200 Broadway. The auction was conducted on August 27th. We have the results of the auction. With respect to the Hendricks Park lot, there was an offer of \$3,000 submitted by an individual. The auctioneer, Mr. Niemeyer, and I have copies of that offer. That was the only offer on that parcel. Likewise, there was only one offer on the Union Park parcel. That offer was submitted for \$500 with the specific condition that the purchaser shall completely demolish both the home and the garage structure and remove from the site within 90 days of closing. It is at the discretion of the Council whether it wishes to accept either offer.

Mr. Goralczyk made a motion to refuse the offer on Hendricks Park. The last time it was up for auction, we refused an offer of \$36,000 because he felt the property was worth more than \$100,000. The motion was seconded by Mr. Hardaway. The motion passed by roll call vote, 6/0.

Mrs. Miano spoke briefly about the poor condition of the second property, at Union Park, up for auction. Mrs. Miano suggested the council accept the offer on this property. Mr. Hardaway made the motion to accept the \$500 offer with the noted condition that both buildings are demolished within 90 days. The motion was seconded by Mr. Widing. The motion passed by a 6/0 roll call vote.

Mr. Pettit asked Mrs. Miano if any plans are being drawn up for the actual development of Union Park. He thought the Town wanted the unions to participate and to that end, he would like to recommend, as RDC president, a motion that we allocate \$75,000 out of the Broadway TIF to go toward the development of a plan and/or actual, physical development of Union Park. The motion was seconded by Mr. Spann. The motion was approved by a roll call vote, 6/0. Mr. Spires expressed the wishes of the purchaser to move forward with the demolition prior to the transfer of the title. Before all the paperwork is done, can he begin work there? Mr. Bushemi stated, with the purchaser signing an agreement to assume all risk, an indemnification agreement; it would be fine to begin preliminary work. Mr. Bushemi said he would prepare the necessary documents for him to sign. The closing should take place in a couple of weeks. Mr. Widing made a motion to allow the purchaser of the property at 7200 Broadway to begin tree removal and other site work prior to the transfer of title with the condition that he executes a hold harmless and indemnification provision to the Town. The motion was seconded by Mr. Pettit. The motion was approved by a roll call vote, 6/0.

Clerk Treasurer, Mr. Guernsey, expressed concern about the Old Mill building, and funding from TIF funds, towards the demolition of the Old Mill Building

ENVIRONMENTAL AFFAIRS: Mr. Goralczyk relayed information from Mr. Lake, who was unable to attend the meeting, that the Stormwater crews have been out clearing drains and nonregulated ditches have been cleared of debris. Call volume has been minimal after recent rain event. Also, grant funds from the Indiana Department of Natural Resources in the amount of \$13,587 were received on September 4th. Representatives from Indiana DNR and the EPA were present on September 18th to see the project. Mr. Lake will be attending a flood plain management conference on October 10th through 12th. The illegal dumping signs have been ordered for Madison Ditch and Taney Ditch. It's a partnership between Lake County Solid Waste and Stormwater. There is a \$100 reward for information leading to a conviction for illegal dumping. The final invoice for \$187,500 was sent to IDEM for the cost share of the Taft Street Project and Dyer Construction will resume their work once NIPSCO moves the line.

The BZA took in some action on a proposed clean fill site. Mr. Goralczyk would like to schedule a public meeting before the Plan Commission Workshop at 5:00 p.m. on October 7th for the developer of this property to come in and explain to us and the residents of the town, as we have received several inquiries regarding what this project is.

ELECTIONS & PUBLIC RELATIONS: Mrs. Miano – no report

ECONOMIC DEVELOPMENT: Mr. Goralczyk – no report

UTILITY LIAISON: Mrs. Barron – absent

TOWN GOVERNMENT RE-ORGANIZATION: Mrs. Miano – no report

ADA COMPLIANCES: Mrs. Miano - no report

ABANDONED PROPERTIES: Mr. Hardaway stated he attended a meeting yesterday of the Lake County Abandoned Properties Committee. There is a lot that came out of it. He will meet with his committee, and then will share the information with the rest of the Council.

GENERAL ORDERS:

FIRST READING ORDINANCES:

Ord. 14-26: Be it ordained/resolved by the **Town of Merrillville** that for the expenses of **MERRILLVILLE CIVIL TOWN** for the year ending December 31, **2015** the sums herein specified are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expenses of **MERRILLVILLE CIVIL TOWN**, the property tax levies and property tax rates as herein specified are included herein. Budget Form 4-B for all funds must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

This ordinance/resolution shall be in full force and effect from and after its passage and approval by the **Town of Merrillville**.

Mr. Goralczyk made a motion to approve and Mr. Pettit seconded the motion. This is the public hearing. There was no public comment. The motion was approved by a 6-0 roll call vote.

Ord. 14-27: An ordinance of the Town of Merrillville Town Council amending the renewal dates for the town business license and hazardous materials registration and authorizing the clerk treasurer to bill and collect the annual business license fee, hazardous materials registration fee and alarm permit fee at the same time beginning January 1st and ending December 31st. Mr. Pettit made a motion to approve and Mr. Widing seconded the motion. The motion was approved by a roll call vote, 6/0.

A motion was made by Mr. Hardaway to suspend the rules to allow a second reading adoption of Ordinance 14-27. The motion was seconded by Mr. Spann. The motion was approved by a 6/0 roll call vote.

Ord. 14-28: An ordinance of the Town of Merrillville, Lake County, Indiana, appropriating additional monies within various funds for the year 2014 not included in the current budget for the 2014 salary raises resulting from the revenue of the local option income tax. Mr. Widing made a motion to approve and Mr. Pettit seconded the motion. The motion was approved by a roll call vote, 6/0.

Ord. 14-29: An ordinance of the Town of Merrillville, Lake County, Indiana, appropriating additional monies within Parks Non-reverting fund for the year 2014 not included in the current budget. The following sum was not included, but in order to provide for the payment of certain obligations and contractual services and to appropriate additional monies to support the 2014 budget for contractual supplies for a sum of \$25,000. Mr. Pettit made a motion to approve and Mr. Hardaway seconded the motion. The motion was approved by a roll call vote, 6/0.

Ord. 14-30: An ordinance of the Town of Merrillville, Lake County, Indiana, transferring monies of the 2014 budget within the Parks and Recreation budget for a decrease of maintenance crew, \$14,000, unemployment, \$2,000, garage and motor supplies, \$3,000, and an increase of part-time custodian, \$6,000, office supplies, \$1,000, gasoline, \$2,000, other supplies, \$3,000 and contractual, \$5,000, for a total sum of \$17,000 decrease, \$17,000 increase, no change. Mr. Widing mad a motion to approve and Mr. Spann seconded the motion. The motion was approved by a roll call vote, 6/0.

SECOND READING ORDINANCES:

Ord. 14-27: An ordinance of the Town of Merrillville Town Council amending the renewal dates for the town business license and hazardous materials registration and authorizing the clerk treasurer to bill and collect the annual business license fee, hazardous materials registration fee and alarm permit fee at the same time beginning January 1st and ending December 31st. Mr. Pettit made a motion to approve and Mr. Spann seconded the motion. There was no public comment. The motion was approved by a roll call vote, 6/0.

RESOLUTIONS:

Res. 14-33: A resolution of the Town of Merrillville, Lake County, Indiana, approving real property tax abatement on property located within an economic revitalization area declaring property tax abatement procedures to be followed and designated a particular area within the town as an economic revitalization area for the purposes of encouraging development and occupancy therein by providing real and personal property tax deductions in accordance with provisions of Indiana Code 6-1.1-12.1. Mr. Pettit made a motion to approve and Mr. Hardaway seconded the motion. The motion was approved by a voice vote.

Res. 14-34: A resolution of the Town of Merrillville, Lake County, Indiana, approving real property tax abatement on property located within an economic revitalization area within the town for purposes of encouraging development and occupancy therein by providing real and personal property tax deductions in accordance with provisions of Indiana Code 6-1.1-12.1. Mr. Pettit made a motion to approve and Mr. Widing seconded the motion. The motion was approved by a voice vote.

Res. 14-35: A resolution of the Town of Merrillville, Lake County, Indiana, transferring monies of the 2014 budget within the Local Road and Street fund budget for a decrease of freight, \$1,500, and an increase of tires, \$1,500, a decrease of telephone, \$1,500, an increase of tires, \$1,500, a decrease of repairs to equipment, \$15,000, and an increase to diesel, \$15,000, for a total sum of \$18,000 decrease, \$18,000 increase, no change. Mr. Spann made a motion to approve and Mr. Pettit seconded the motion. The motion was approved by a voice vote.

Res. 14-36: A resolution of the Town of Merrillville, Lake County, Indiana, transferring monies of the 2014 budget within the Motor Vehicle Highway fund budget for a decrease of mosquito abate supplies, \$19,000 and an increase of Social Security, \$19,000, no change. Mr. Spann made a motion to approve and Mr. Pettit seconded the motion. The motion was approved by a voice vote.

Res. 14-37: A resolution of the Town of Merrillville, Lake County, Indiana, transferring monies of the 2014 budget within the Noxious Weeds fund budget for a decrease in other equipment, \$6,000 and increase in seasonal maintenance of \$6,000, no change. Mr. Spann made a motion to approve and Mr. Widing seconded the motion. The motion was approved by a voice vote.

BZA ACTIONS: None

OLD BUSINESS: None

NEW BUSINESS: None

PUBLIC COMMENT: All public comment is recorded on cassette tape and kept on file in the Clerk-Treasurer's Office at Town Hall.

ANNOUNCEMENTS:

Board of Zoning Appeals meeting, September 24th, 2014 at 6:30 p.m.

Police Commission meeting, October 3, 2014 at 8:00 a.m.

Stormwater Management Board meeting, October 7, 2014 at 4:30 p.m.

Plan Commission workshop, October 7, 2014 at 6:30 p.m.

Town Council meeting, October 14, 2014 at 6:30 p.m.

also,

A public meeting regarding the clean landfill for the old sandpit, October 7, 2014 at 5:00 p.m.

ADJOURNMENT:

A motion to adjourn was made by Mr. Pettit and seconded by Mr. Widing.
Meeting adjourned at 7:35 p.m.

Carol Miano- President

Eugene Guernsey, Clerk-Treasurer